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**SPECIAL RAPPORTEUR ON ADEQUATE HOUSING AS A COMPONENT OF
THE RIGHT TO AN ADEQUATE STANDARD OF LIVING, AND ON THE
RIGHT TO NON-DISCRIMINATION IN THIS CONTEXT**

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Mr. President,
Distinguished delegates,
Representatives from civil society organizations, UN entities and participants,

I am honoured to address the Human Rights Council to present my thematic report on human rights based housing strategies; as well as a report on my country visit to Chile. Regrettably I was unable to undertake two missions last year as the government of Japan had to postpone my mission on short notice.

Last year, in Resolution 34/9, the Council encouraged me to support States in the implementation of housing-related Sustainable Development Goals and targets and the New Urban Agenda. I took this suggestion seriously. As you know, Goal 11 of Agenda 2030 commits States to make cities and human settlements inclusive, safe, resilient and sustainable. Target 11.1 recognizes the fundamental role that housing plays in reaching this Goal, committing States to ensuring access for all to adequate, safe and affordable housing and basic services by 2030. States made similar commitments under the New Urban Agenda.

These are what I call tall commitments. But they are critical in light of the unsustainable path we are on. In my opinion, the housing related goals and targets are unlikely to be met in the next 12 years, unless States develop and implement human rights based housing strategies. My thematic report provides a road map of how to do so.

Let me explain what I mean by a housing “strategy” which I distinguish from housing policies. Policies are generally composed of a number of programmes that address particular housing issues, such as homelessness, social housing supply or access to housing in the private market.

Housing strategies operate at a higher level. They coordinate a wide range of laws, programmes, policies and decisions and engage with multiple departments and various levels of government. They address gaps and inequalities [to ensure that no one is left behind] and they map out a way forward, toward the goal of ensuring adequate housing for all.

The report recognizes that a one-size fits all strategy is not possible. Instead I offer 10 key principles that can be applied in different contexts and that must be in every national or local housing strategy. Before I take you to an overview of those principles, there are a few things that I want to state at the outset.

I have been Rapporteur for four years now, and I have heard States at the General Assembly, this Council and at Habitat III, talk of many programmes, that have been made to improve housing conditions for vulnerable populations. Based on those interventions, I might have the impression that global housing conditions are improving. But, in fact, they are not.

Virtually everywhere, homelessness – a gross violation of the right to housing – is on the rise, including in affluent countries; forced evictions continue unabated; without affordable and adequate housing options, increasing numbers of individuals and families resort to living in informal settlements without secure tenure or basic services (approximately 880 million in urban centres); resource extraction is forcing

indigenous peoples from their lands; and housing in many cities is simply unaffordable even for the middle class. What is perhaps most worrying is that none of these conditions are treated as human rights issues.

The challenge of ensuring access to adequate housing for all in the next 12 years is not a matter of simply improving on current programming and policies. A fundamental shift is needed whereby housing is understood differently, recognized and implemented as a human right.

Why are human rights so essential to housing strategies?

Homelessness, grossly inadequate housing are assaults on dignity and life, and challenge what it means to be human. Human rights violations of this nature demand human rights responses.

Human rights have the capacity to be transformational, and can help identify the structures and other barriers to the realization of the right to housing.

Human rights demand that Governments interact with people who are homeless and inadequately housed as rights holders empowered to engage and be involved in decisions affecting their lives. Experience shows that effective strategies are those that are empowering and inclusive of rights holders.

A rights-based approach clarifies who is accountable to whom: all levels of government are accountable to people, particularly marginalized and vulnerable groups.

Lastly, human rights incorporate universal norms which bring coherence and coordination to multiple areas of law and policy through a common purpose and shared set of values.

Let me turn now to a brief summary of the 10 key principles of a rights-based housing strategy.

Principle 1 is that housing strategies must be based in law and affirm the right to housing as a legal right. Particular emphasis should be given to the obligation to progressively realize the right to housing by all appropriate means, as recognized in international human rights law.

Principle 2 is that strategies must prioritize those most in need and commit to ensuring equality. They must make an absolute priority of eliminating homelessness and addressing the needs of those in the most desperate circumstances, including Indigenous peoples.

Principle 3 is that strategies must adopt a comprehensive and whole-of-government approach. Ensuring the right to adequate housing goes well beyond the responsibilities of housing ministries. Effective housing strategies must co-ordinate and guide the work of multiple departments as well as multiple layers of government, from local to national, relying on well-defined inter-departmental and inter-governmental processes.

Principle 4 is that strategies must ensure rights-based participation. There is a significant difference between the type of pro forma consultation that governments often engage in, and truly rights-based participation, in which stakeholders become part of the decision-making process. It is important to ensure

that processes are put in place to ensure meaningful engagement with persons with lived experience of homelessness and inadequate housing.

Principle 5 is that strategies must ensure accountable budgeting and tax justice.

It is one thing for governments to commit to ensuring adequate housing for all by 2030 and another for them to commit the necessary funding. Reforming taxation to remove loopholes is also critical. Taxation is an important means for States to discourage speculation and encourage affordable housing.

Principle 6 is that strategies should include human rights based goals and timelines. It is critical that goals and timelines be achievable, that they be in line with the goals of the 2030 Agenda and that they be treated as human rights obligations – not just statistical aspirations.

Principle 7 on accountability and monitoring emphasizes that strategies must put in place independent institutional mechanisms to monitor progress and hold governments accountable to the goals and timelines. In my research on housing strategies, there were far too many examples of unmet goals, and timelines that have come and gone.

Principle 8, ensuring access to justice, is the component that is most frequently missing in housing strategies. Strategies must include access to hearings and remedies in courts or elsewhere. Independent tribunals, commissions, ombudspersons or advocates can play an important role.

Principle 9 refers to the need for strategies to clarify the obligations of private actors and regulate financial, housing and real estate markets

The obligation to realize the right to housing lies with States and cannot be delegated to private actors. However, housing strategies will not be effective if they fail to engage the dominant role played by financial markets and investors which are helping to push low and middle income households out of cities. Strategies must include robust measures to reorient private investment and development to ensure inclusive cities and affordable housing.

Finally, principle 10 states that housing strategies must implement international cooperation and assistance.

Strategies should ensure that development assistance supports rather than undermines the right to housing. Global phenomena such as capital flows, international finance and the actions of transnational corporations require international responses, which should be incorporated into national housing strategies.

I began my presentation with the rather daunting situation facing us with respect to the goal of ensuring adequate housing for all by 2030. I would like to end on a more optimistic note.

I think this goal is achievable. At Habitat III together with the OHCHR and United Cities and Local Governments I launched “The Shift” a global multi-stakeholder initiative committed to reaffirming housing as a human right. The Shift is generating a lot of interest suggesting that many are keen to see SDG target

11.1 achieved. And I invite all of you to join me at a side-event on Friday, at 13:30 with the Deputy High Commissioner, representatives from States, Cities and South Africa's National Human Rights Institution.

Chile

Dear delegates, let me now turn to the country visit report on Chile.

I visited Chile in April 2017 where I received a high degree of cooperation and engagement from all levels of government and I was warmly received by civil society and the many residents who invited me into their homes.

Let me start by underscoring that since 1990 Chile has invested billions of dollars in housing subsidies and supply and can now boast a 64% homeownership rate. In other words, a large percentage of the population now has security of tenure, one of the cornerstones of the right to housing. This is a considerable accomplishment.

But with this success comes a paradox. Much of this housing, particularly for poor and low-income households is of low quality and has been provided on the outskirts of cities far from employment opportunities and without decent transportation. This is related to the fact that the government has relied on the private sector for housing provision, whose primary aim is to maximize profits, not ensure the adequacy of housing. The result has been social segregation of people who are poor which has contributed to their marginalization and experiences of discrimination.

I was pleased to learn that the government recognizes and is responding to some of these problems including through the introduction of a new emphasis in their housing programs to integrate poor households into city centre locations, and a new subsidy to promote rental accommodation as a stepping stone to homeownership. I encourage the government of Chile to continue with these types of initiatives.

As in most countries, homelessness in Chile is a problem. I was pleased to learn of the establishment of a national registry of people who are homeless though it excludes migrants and non-nationals. In keeping with the goals of Agenda 2030, Chile must address homelessness on a priority basis, and should develop a rights based national strategy to prevent, address and eliminate it.

I am also concerned with the discriminatory housing conditions of migrants in Chile who cannot benefit from the housing subsidy program until they become permanent residents, which can be several years after arrival. Migrants are a rapidly growing population in Chile and, with nowhere else to live, they move to *campamentos* or informal settlements which often lack basic services like potable water and sanitation. Though Chile has fewer informal settlements than other countries in the region, *campamentos* are growing in number and size. The government should take human rights compliant steps to ensure migrants have access to adequate housing.

I am equally concerned with the housing conditions and issues related to ancestral lands of Indigenous peoples. Similarly, I am concerned with property laws which discriminate against women. Recommendations to address these concerns are included in my report.

In closing, I encourage Chile to continue to progressively realize the right to housing and in this regard to ensure that the necessary legislative provisions are available to do so [for example through existing Constitutional provisions, the Civil Code regarding the administration of property, and the new law on migrants.]

I am looking forward to my upcoming mission to the Republic of Korea in May, and thank the Council for its ongoing support of the mandate.

Thank you.